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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DIANNA I. TILIKS, MARY L. FOX,
WAYNE R. HEINMILLER, THOMAS J. McBLAIN,
TODD A. BARTELS, and GORDON L. BLUMENSCHN

Appeal 2009-004867
Application 09/741,734
Technology Center 2600

Decided: December 15, 2009

Before KENNETH W. HAIRSTON, JOHN C. MARTIN,
and CARL W. WHITEHEAD, Jr., *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from the Examiner's final rejection of claims 1 to 22. We have jurisdiction under 35 U.S.C. § 6(b).

We will sustain the rejection.

Appellants' invention is concerned with a method and system for dual ringing of a Centrex line and a wireless extension of the Centrex line (Spec. 1:4-6). Appellants disclose and claim a method and system for dual ringing that includes a service node which initiates a first call to a "wireless extension" of the Centrex line and a second call to the Centrex line (*see* Spec. 3:5-6:18; Abstract; claims 1, 5, 15, and 18).

Claim 1 reproduced below with emphasis added, is representative of the subject matter on appeal:

1. A method for dual ringing of a Centrex line and a wireless extension of the Centrex line using an advanced intelligent telecommunication network comprising a service signal point and a service node, the method comprising:

(a) receiving a call at a service signal point (SSP) assigned to a Centrex line;

(b) routing the call from the SSP to a service node coupled with the SSP; and

(c) *with the service node, initiating a first call to a wireless extension of the Centrex line and a second call to the Centrex line;*

wherein the wireless extension of the Centrex line provides extension dialing when the wireless extension of the Centrex line is within a limited service area defined for a Centrex customer premises area. (Claim 1 (emphasis added)).

The Examiner relies upon the following as evidence of unpatentability:

O'Neil	US 5,963,864	Oct. 5, 1999
McConnell	US 6,970,719 B1	Nov. 29, 2005
		(filed Jun. 15, 2000)

The following sole rejection is before us for review:

Claims 1 to 22 stand rejected under 35 U.S.C. § 103(a) as unpatentable over O'Neil and McConnell.

The Examiner relies upon O'Neil as disclosing a method and system for dual ringing of a wireline and a wireless extension of the wireline, including a service node for initiating a first call to a wireless communication device associated with the wireline as a wireless telecommunication extension service and a second call to a wireline (Ans. 3-14). The Examiner relies upon McConnell as disclosing that a wireline can be a Centrex line with a wireless extension, and that extension dialing can be provided when the wireless extension of the Centrex line is within a limited service area defined for a Centrex customer premises area (Ans. 4-6, 9-14).

Appellants do not dispute the motivation for combining O'Neil with McConnell. Instead, Appellants argue (App. Br. 4-6; Reply Br. 4-7), *inter alia*, that both O'Neil and McConnell fail to teach a service node (claims 1, 5, and 15) or a network element separate from a switch (claim 18) that initiates a call to Centrex line and a call to a wireless extension of the Centrex line. Appellants also argue (Reply Br. 4) that O'Neil fails to teach initiating a call to a wireline number and initiating another call to a wireless extension of the wireline number because, in O'Neil, the telephone number

of the wireless device is not a wireless extension of the wireline number and is instead a separate telephone number of a wireless device that a user has associated with the wireline number.

ISSUE

Based on Appellants' arguments, the issue is: Have Appellants demonstrated that the Examiner erred in finding that the combined teachings of O'Neil and McConnell disclose or suggest a method and system for dual ringing including a service node or network element separate from a switch for initiating a first call to a wireless extension of the Centrex line and a second call to the Centrex line, as set forth in claims 1, 5, 15, and 18 on appeal?

FINDINGS OF FACT

1. As indicated *supra*, Appellants describe and claim a method and system for dual ringing of a Centrex line and a wireless extension of the Centrex line (Spec. 1:4-6). Appellants disclose and claim a method (Figs. 2-4) and system (Fig. 1) for dual ringing that includes a service node 120 which initiates a first call to a wireless extension 150 of the Centrex line 115 and a second call to the Centrex line 115 (*see* Spec. 3:5-6:18; Abstract; claims 1, 5, 15, and 18).
2. Appellants disclose that:

In the embodiment shown in Figure 1, the telecommunication system implements a wireless Centrex environment, which allows the wireless

communication device 150 to be used as a wireless extension of the Centrex line 115.

Spec. 5:15-17.

3. O'Neil describes a method and system (Figs. 1-3) for dual ringing of a wireline 20e/20f and a wireless extension 34 of the wireline (col. 1, ll. 8-16; col. 20, ll. 48-55), including a service node 30 for initiating a first call to a wireless communication device 34 associated with the wireline 20e/20f as a wireless telecommunication extension service and a second call to a wireline 20e/20f (*see generally* col. 20, ll. 14-19; col. 20, l. 48 to col. 21, l. 25).
4. As stated by O'Neil:

After the services node 30 makes the calls to the wireline number and to the wireless number, the services node 30 then bridges or connects these calls so as to set up a conference call involving the communication and the calls to the wireline number and wireless number. The conference call includes a first leg from the communication at the services node 30 to the wireless unit and a second leg from the communication at the services node 30 to the wireline unit. Specifically, the services node connects each call (caller, wireline, wireless) to a port on a three-port conferences bridge, which provides simultaneous, multi-way communication between all three parties.

As a result of the calls to the wireline number and to the wireless number from services node 30, the wireline unit and the wireless unit both ring, and preferably, ring concurrently. Referring to our example, if Doug dials 404-845-1234, then wireline units 20e, 20f ring and wireless unit 34 rings. In sum, wireless unit 34 functions as an extension of the wireline unit. The wireless unit functions as such an extension even though

the wireless number associated with the wireless unit is different from the wireline number associated with the wireline unit.

Column 21, lines 26-47 (emphases added).

5. McConnell describes a private wireless telephone system (Figs. 1, 4-6) with abbreviated dialing (col. 1, ll. 12-25; col. 23, ll. 12-43) that is “provided as an adjunct to a company’s existing PBX, *Centrex*, or key system and *allows standard wireless telephones to act as wireless extensions* of the existing office desktop telephones” (col. 4, ll. 24-28 (emphases added)). Extension dialing can be provided when the wireless extension of the *Centrex* line is within a limited service area defined for a *Centrex* customer premises area (col. 9, ll. 58-63).

PRINCIPLES OF LAW

Claim Construction

“During examination, ‘claims . . . are to be given their broadest reasonable interpretation consistent with the specification, and . . . claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.’” *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citation omitted); *In re Morris*, 127 F.3d 1048, 1053-54 (Fed. Cir. 1997).

Obviousness

In rejecting claims under 35 U.S.C. § 103, it is incumbent upon the Examiner to establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). The

Examiner's "articulated reasoning . . . in the rejection must possess a rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006).

The Examiner bears the initial burden of presenting a prima facie case of obviousness, and Appellants have the burden of presenting a rebuttal to the prima facie case. *In re Oetiker*, 977 F.2d 1443, 1445 (Fed. Cir. 1992). Appellants have the burden on appeal to the Board to demonstrate error in the Examiner's position. *See Kahn*, 441 F.3d at 985-86.

The test for obviousness is what the combined teachings of the references would have suggested to the artisan. Accordingly, one can not show nonobviousness by attacking references individually where the rejection is based on a combination of references. *In re Keller*, 642 F.2d 413, 426 (CCPA 1981).

ANALYSIS

Claims 1, 5, 15, and 18

We will sustain the Examiner's rejection with respect to claims 1, 5, 15, and 18 for the reasons that follow. We agree with the Examiner's findings of fact and conclusions of obviousness with respect to the claims on appeal (Ans. 3-11), and adopt them as our own, along with some amplification of the Examiner's explanation of the teachings of O'Neil (FF 3, 4) and McConnell (FF 5), as well as Appellants' Specification (*see* FF 1, 2). *See Fine*, 837 F.2d at 1073; *Kahn*, 441 F.3d at 988.

Claims 1 and 5 each recite a service node for "initiating a first call to a wireless extension of the Centrex line and a second call to the Centrex line"

(claims 1, 5). Claim 15 recites a “service node operative to initiate a first call to the wireless extension of the Centrex line and a second call to the Centrex line” (claim 15), and claim 18 recites a “network element separate from the switch” for “initiating a call to the Centrex line” and “initiating a call to a wireless extension of the Centrex line” (claim 18). The originally filed Specification defines *wireless extension* as meaning a wireless communication device that is associated with a Centrex wireline (*see* FF 2). In other words, one of ordinary skill in the art would understand that a wireless extension is simply a wireless communication device.

Claims 1, 5, 15, and 18 merely require that a service node or element separate from the switch initiate two calls (i.e., dual ringing), a first call to a Centrex line and a second call to a wireless extension of the Centrex line (i.e., a wireless communication device). *See Am. Acad. of Sci. Tech Ctr.*, 367 F.3d at 1364. Thus, the phrase *wireless extension* broadly encompasses the wireless communication device 34 of O’Neil, as well as the mobile station 64 of McConnell.

A proper interpretation of claims 1, 5, 15, and 18, giving these claims their broadest reasonable interpretation consistent with the Specification as understood by one of ordinary skill in the art (*Am. Acad. of Sci. Tech Ctr.*, 367 F.3d at 1364), has to rely on the specific description provided in the originally filed Specification. The Specification describes wireless communication device 150 as a wireless extension (FF 2).

Appellants’ argument (Reply Br. 4) that O’Neil fails to teach initiating a call to a wireline number and initiating another call to a wireless extension of the wireline number because, in O’Neil, the telephone number of the

wireless device is not a wireless extension of the wireline number and is instead a separate telephone number of a wireless device that a user has associated with the wireline number, is not persuasive in light of our findings with respect to O'Neil (FF 3, 4) and Appellants' disclosure in the Specification (FF 1, 2). O'Neil specifically discloses that "wireless unit 34 functions as an extension of the wireline unit" (FF 4; col. 21, ll. 44-45). Furthermore, McConnell "allows standard wireless telephones to act as wireless extensions of the existing office desktop telephones" (FF5; col. 4, ll. 26-28).

O'Neil and McConnell, like Appellants, disclose a wireless extension which is a wireless communication device. Thus, Appellants have not demonstrated that the Examiner erred in relying on O'Neil as disclosing or suggesting a wireless extension, and McConnell as disclosing or suggesting a wireless extension of a Centrex line, at least to the extent that this feature is broadly set forth in claims 1, 5, 15, and 18. *See Am. Acad. of Sci. Tech Ctr.*, 367 F.3d at 1364.

The Examiner has provided articulated reasoning with a rational underpinning to support the combination for the legal conclusion of obviousness (Ans. 3-11). *See Kahn*, 441 F.3d at 988. We agree with the Examiner (Ans. 3-14) that O'Neil discloses a method and system for dual ringing of a wireline and a wireless extension of the wireline, including a service node for initiating a first call to a wireless communication device associated with the wireline as a wireless telecommunication extension service and a second call to a wireline. We agree with the Examiner (Ans. 4-6, 9-14) that McConnell discloses or suggests that a wireline can be a

Centrex line with a wireless extension, and that extension dialing can be provided when the wireless extension of the Centrex line is within a limited service area defined for a Centrex customer premises area. We also agree with the Examiner that it would have been obvious to modify O'Neil

to include the wireline being a Centrex line and the wireless extension of the Centrex line providing extension dialing when the wireless extension of the Centrex line is within a limited service area defined for a Centrex customer premises area because the Centrex line and extension dialing in McConnell improves O'Neil's system for providing a wireless telecommunication extension service in a telecommunication network that includes a wireline and wireless network (see col. 1, lines 12-16).

Ans. 4-5.

Once the Examiner has satisfied the burden of presenting a *prima facie* case of obviousness, the burden then shifts to Appellants to present evidence and/or arguments that persuasively rebut the Examiner's *prima facie* case. *See Oetiker*, 977 F.2d at 1445. In view of our discussion as to (i) the teachings and suggestions of O'Neil and McConnell *supra*, and (ii) Appellants' arguments *infra*, Appellants have not demonstrated that the Examiner erred in determining that the combined teachings of O'Neil and McConnell discloses or suggests a service node (claims 1, 5, and 15) or a network element separate from a switch (claim 18) that initiates a call to Centrex line and a call to a wireless extension of the Centrex line. Furthermore, as indicated *supra*, Appellants do not present any argument as to the motivation to modify O'Neil.

Appellants' contentions (App. Br. 4-6; Reply Br. 4-7) that both O'Neil and McConnell fail to teach a service node (claims 1, 5, and 15) or a

network element separate from a switch (claim 18) that initiates a call to Centrex line and a call to a wireless extension of the Centrex line is unpersuasive. The test for obviousness is what the *combined* teachings of the references would have suggested to the artisan. Accordingly, one can not show nonobviousness by attacking references individually where the rejection is based on a combination of references. *Keller*, 642 F.2d at 426.

In the instant case, Appellants' arguments are not persuasive since the Examiner relied upon O'Neil as teaching the limitation of dual ringing of a wireless extension and a wireline (*see* Ans. 12), and upon McConnell as teaching the remaining limitations of a telecommunications system and method including extension dialing, a Centrex line, and a wireless extension of a Centrex line (*see* Ans. 4, 11-14). Appellants have not demonstrated that the Examiner erred in finding that the properly combined teachings of O'Neil and McConnell disclose or suggest a method and system for dual ringing including a service node or network element separate from a switch for initiating a first call to a wireless extension of the Centrex line and a second call to the Centrex line.

In view of the foregoing, we will sustain the obviousness rejection of claims 1, 5, 15, and 18 based upon the teachings of O'Neil and McConnell.

Claims 2 to 4, 6 to 14, 16, 17, and 19 to 22

Appellants have not presented any patentability arguments as to dependent claims 2 to 4, 6 to 14, 16, 17, and 19 to 22, other than stating that the Examiner failed to make a prima facie case of obviousness with regard to these claims because the proposed combination of O'Neil and McConnell does not render these claims patentable (*see* App. Br. 4-6; Reply Br. 4-7).

Since Appellants have not particularly pointed out errors in the Examiner's reasoning to persuasively rebut the Examiner's prima facie case of obviousness, the rejection of claims 2 to 4, 6 to 14, 16, 17, and 19 to 22 is therefore sustained for similar reasons as to claims 1, 5, 15, and 18.

CONCLUSION OF LAW

Appellants have not adequately shown that the Examiner erred in finding that the combined teachings of O'Neil and McConnell disclose or suggest a method and system for dual ringing including a service node or network element separate from a switch for initiating a first call to a wireless extension of the Centrex line and a second call to the Centrex line, as set forth in claims 1, 5, 15, and 18 on appeal.

ORDER

The decision of the Examiner to reject claims 1 to 22 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

KIS

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